



**SO ORDERED.**

**SIGNED** this 22 day of January, 2013.

*Stephani W. Humrickhouse*

**Stephani W. Humrickhouse  
United States Bankruptcy Judge**

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION**

| <b>IN RE:</b>   | <b>CASE NO.</b>       |
|---|-----------------------|
| <b>MATTHEW HORACE TEMPLE</b>  | <b>12-04049-8-SWH</b> |
| <b>DAVID BERNARD EICHACKER, SR. and<br/>JEAN THOMPSON EICHACKER</b> | <b>12-03063-8-SWH</b> |
| <b>LAURIE SOLDEVILLA BULALA</b>                                     | <b>12-02855-8-SWH</b> |
| <b>VANNESSA JEAN MARIE KLEIN</b>                                    | <b>12-02859-8-SWH</b> |
| <b>MELISSA TANT LINDER</b>  | <b>12-03151-8-SWH</b> |
| <b>BENNY SCOTT DAMERON and<br/>AMY BRANN DAMERON</b>                | <b>12-03146-8-SWH</b> |
| <b>APRIL STAR KNISH</b>   | <b>12-03153-8-SWH</b> |
| <b>RICKEY JASPER PRIVETTE, JR.</b>                                  | <b>12-04640-8-SWH</b> |
| <b>SAMUEL JOSEPH TRIPP and<br/>ANGELA DURHAM TRIPP</b>              | <b>12-04535-8-SWH</b> |
| <b>PAUL EDWARD LANDRY and<br/>VICKI SUE LANDRY</b>                  | <b>12-04033-8-SWH</b> |
| <b>MELANIE ELIZABETH OWENS</b>                                      | <b>12-04083-8-SWH</b> |

**JAMES E. KANE and  
ROBIN CHRISTINE KANE**

**12-04659-8-SWH**

**FREDA PRATT BRANCH**

**12-04792-8-SWH**

**ROBERT FRANCIS BLEGGI and  
ELLEN ELIZABETH BLEGGI,**

**12-02009-8-SWH**

**DEBTORS**

### **ORDER**

These matters came on to be heard upon the Chapter 13 trustee's motions to dismiss on the grounds that the debtors failed to contribute their projected disposable income to the payment of unsecured creditors under their plans pursuant to 11 U.S.C. § 1325(b)(1)(B). The debtors have objected to the trustee's motions and a hearing was held on December 10, 2012, at 2:00 p.m. in Raleigh, North Carolina. The court opened the hearing to all interested parties and allowed the filing of amicus briefs prior to the hearing.

In each of the above-captioned cases, the debtors filed voluntary petitions under Chapter 13 of the Bankruptcy Code and John F. Logan was appointed as the Chapter 13 trustee. Of the fourteen cases specifically before this court, seven propose plans that extend over the entire applicable commitment period. In seven cases, the plans propose a period of less than the applicable commitment period. Of the twelve above-median income cases, seven have plans proposed for between thirty-six and forty-five months. All fourteen plans contain "early termination language." This language permits early termination of the plan upon the payment of allowed secured, priority, and administrative claims and the payment of any required dividend to non-priority unsecured creditors under § 1323(b)(1)(B).

A complete recitation of the arguments of counsel is set forth in the Order entered by the Honorable J. Rich Leonard in In re Nicholas David Ballew, Case No. 12-04059-8-JRL on January 11, 2013, which is incorporated hereby by reference. The court will deny the trustee's motions to dismiss based upon the reasoning and ruling in that case.

**SO ORDERED.**

**END OF DOCUMENT**